

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
DISTRICT OF NEVADA
BRUCE R. THOMPSON U.S. COURTHOUSE
AND FEDERAL BUILDING
400 SOUTH VIRGINIA STREET #301
RENO, NEVADA 89501
(775) 686-5800

Debra K. Kempf
Clerk of Court

Lia Griffin
Divisional Manager, Reno

September 18, 2020

Court Clerk
U.S. District Court
Eastern District of California, Sacramento
Robert T. Matsui United States Courthouse
501 I Street, Suite 4200
Sacramento, CA 95814

RE: USA v. KRISTY LYNN FELKINS
Your File No. 2:20-mj-0140-CKD
Our File No. 3:20-mj-00093-WGC

FILED

SEP 21 2020

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]* CLERK

Dear Clerk:

Please be advised that the above-referenced defendant was arrested in the District of Nevada on the warrant issued by the Eastern District of California. Mrs. Felkins has appeared before The Honorable William G. Cobb, on Thursday, September 17, 2020 and has been released on a personal recognizance bond. An order has been entered directing the defendant appear in the Eastern District of California, Sacramento at 2:00 P.M. by Zoom Video Conference.

Enclosed are all documents completed in this district.

If you have any questions or require further information, please do not hesitate to contact me at (775) 686-5918.

Sincerely yours,

DEBRA K. KEMPI, CLERK OF COURT

Karen Walker
By: Karen Walker, Courtroom Deputy

Enclosures

Minutes of Proceedings3:20-mj-00093-WGC USA v. Felkins

United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered on 9/18/2020 at 8:01 AM PDT and filed on 9/17/2020

Case Name: USA v. Felkins

Case Number: 3:20-mj-00093-WGC

Filer:

Document Number: 3(No document attached)

Docket Text:

MINUTES OF PROCEEDINGS - Video Initial Appearance in Rule 5(c)(3) Proceeding as to Kristy Lynn Felkins held on 9/17/2020 before Magistrate Judge William G. Cobb. Crtrm Administrator: Karen Walker; AUSA: Peter Walkingshaw; Def Counsel: Kate Berry; PTS: Emily McKillip; Court Reporter/Recorder: Liberty Court Recorder; Time of Hearing: 2:51:54 p.m. - 3:22:01 p.m. and 3:27:30 p.m. - 3:43:38 p.m.; Courtroom: 2.

Defendant is appearing by video (in custody) with AFPD counsel. Defendant is sworn in by courtroom deputy. Defendant waives her right to appear in person and confirms her consent to appear by video at today's hearing. Financial Affidavit filed. The Federal Public Defenders Office is appointed as defense counsel. Attorney Kate Berry, AFPD for Kristy Lynn Felkins added. The defendant submits three forms to be filed with the court: (1) Assertion of Right to be Present in Court Unshackled, (2) Assertion of 5th & 6th Amendment Rights and (3) Waiver of Rule 5 & 5.1 Hearing. Waiver of Identity Hearing and production of the warrant filed. ORDERED Defendant identified as named defendant in Complaint and is held to answer in the Eastern District of California, Sacramento, Case No. 2:20-mj-0140-CKD.

Next appearance date in originating district is **Wednesday, September 30, 2020 at 2:00 p.m.** to be conducted by Zoom Video Conference before Magistrate Judge Claire. Defendant is ordered to contact the courtroom deputy, Valerie Callen at (916) 930-4199 prior to the scheduled hearing to obtain instructions for video appearance.

Detention hearing held. Government moves for detention. Pretrial Services indicates Defendant poses a risk of danger to the community. Defense counsel argues for Defendant's release on bond with conditions. After consideration, the government's motion is **DENIED**. The court discusses the conditions with Pretrial Services and counsel. The court reviews the terms of pretrial release with the Defendant and discusses certain conditions with husband, Matthew Bushnell (appearing by telephone). IT IS ORDERED that the Defendant be released on a personal recognizance bond with conditions. Defendant is to report to Pretrial Services, in Reno, on **Friday, September 18, 2020** and processing with USM. Defendant is released on bond.

(no image attached) (Copies have been distributed pursuant to the NEF - KW)

3:20-mj-00093-WGC-1 Notice has been electronically mailed to:

Kate Berry Kate_Berry@fd.org, Bonnie_Bell@fd.org, Katrina_Burden@fd.org, Sylvia_Irvin@fd.org

Peter Walkingshaw Peter.Walkingshaw@usdoj.gov, Alicia.Coorey@usdoj.gov, CaseView.ECF@usdoj.gov, Eduardo.wade@usdoj.gov, Tammy.Howard@usdoj.gov

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SEP 17 2020
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: _____ DEPUTY

UNITED STATES OF AMERICA,
Plaintiff,
v.
KRISTY LYNN FELKINS,
Defendant.

Case No. 3:20-mj-00093-WGC

WAIVER OF RIGHT TO APPEAR IN PERSON AT CRIMINAL PROCEEDING

I understand that I have a right to appear in person in court at the Initial Appearance proceeding in this case scheduled for September 17, 2020. I have been advised of the nature of this proceeding and my right to appear in person at this proceeding. I have been informed that I may appear by video teleconference, or telephone conference if video conference is not reasonably available, in light of the spread of COVID-19 in the District of Nevada in order to protect my health and safety, as well as those of the attorneys, the court and court staff.

Understanding my right to appear in person at this proceeding, I knowingly and voluntarily waive my right to appear at this proceeding in person, and I consent to appear by video teleconference, or telephone conference if video conference is not reasonably available. I consulted with my attorney prior to deciding to waive my right to appear in person at this proceeding.

21 /s/Kristy Lynn Felkins 9/16/2020
 22 Defendant's Signature (date)

24 /s/Kate Berry 9/16/2020
 25 Signature of Defendant's Attorney (date)

27 Kate Berry
 28 Printed Name of Defendant's Attorney

William G. Cobb
 Judge's Signature 17 Sept 2020 (date)

William G. Cobb, U.S. Magistrate Judge
 Judge's Printed Name

me : 6 File :
FILED
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COUNSEL/PARTIES OF RECORD

SEP 17 2020

CLERK US DISTRICT COURT
DISTRICT OF NEVADA

BY: DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,) CASE No. 3:20-mj-00093-WGC
vs.)
KRISTY LYNN FELKINS,)
Defendant.)

)

The individual named below, having testified under oath or having otherwise satisfied
this Court that he/she: (1) is financially unable to employ counsel and (2) does not wish to waive
counsel, and, because the interests of justice so require, the Court finds that the individual is
indigent, therefore,

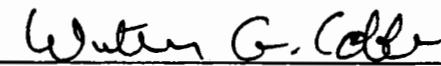
IT IS ORDERED that the Federal Public Defender for the District of Nevada is hereby
appointed to represent the Defendant.

IT IS FURTHER ORDERED that the Clerk issue subpoenas upon oral request and
submission of prepared subpoenas by the attorneys of the Office of the Federal Public Defender,
unless said subpoenas are to be served outside the State of Nevada. The cost of process, fees and
expenses of witnesses so subpoenaed shall be paid as witness(es) and the United States Marshall

1 shall provide such witness(es) subpoenaed advance funds for the purpose of travel within the
2 District of Nevada and subsistence. Any subpoenas served on behalf of the individual, the return
3 thereon to this Court shall be sealed, unless otherwise ordered.
4

5 **IT IS FURTHER ORDERED** that if counsel for the individual desires subpoenas to be
6 served outside the State of Nevada, further application pursuant to Federal Rules of Criminal
7 Procedure 17(b) shall be made to the Court, before the issuance of said subpoenas.
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9 Dated this 17th day of September, 2020.

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11 WILLIAM G. COBB, U.S. Magistrate Judge

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SEP 17 2020	
CLERK'S OFFICE DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

UNITED STATES OF AMERICA

VS.

3:20-mj-0093-WGC
: Crim. No. _____

Kristy Lynn Felkins

Defendant

:

ASSERTION OF FIFTH AND SIXTH AMENDMENT RIGHTS

I, the above named defendant, hereby assert my Fifth and Sixth Amendment rights to remain silent and to have counsel present at any and all of my interactions with any local, state or federal government or its agents. I will not waive any of my constitutional rights except in the presence of counsel, and I do not want any local, state or federal government or its agents to contact me seeking my waiver of any rights unless my counsel is present.

/s/Kristy Lynn Felkins

(Defendant's signature)

Kate Berry 201 W. Liberty Street, Suite 102, Reno, Nevada 89501
(Attorney's name/address printed)

/s/Kate Berry

(Attorney's signature)

Date: 9/16/2020

Time: _____ a.m. / p.m.

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
[Redacted]	
SEP 17 2020	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: [Redacted]	DEPUTY
3:20-mj-0093-WGC	
CRIMINAL CASE NO.	

UNITED STATES OF AMERICA

vs.

Kristy Lynn Felkins

DEFENDANT

**ASSERTION OF RIGHT TO BE PRESENT IN COURT UNSHACKLED
AND PRESERVATION OF APPELLATE RIGHTS**

I assert my Fifth and Sixth Amendment Rights to be present in court without shackles, and further assert that appearing in court without shackles is necessary to maintain dignity and decorum in the judicial process.

I submit that the Court cannot institute a policy requiring defendants be shackled in every case. Instead, before I may be shackled for any courtroom proceeding, the Court must make an individualized decision on the record that a specific security need particular to me exists.

To order shackling, the Court must make an individualized determination finding that shackling serves a compelling government purpose and the particular shackling method is the least restrictive means for maintaining security and order in the courtroom. In making this determination, the Court should consider whether evidence exists demonstrating: a history of disruptive courtroom behavior; attempts to escape from custody; assaults or attempted assaults while in custody; or a pattern of defiant behavior towards corrections officials and judicial authorities.

Until the Court makes an individualized shackling determination on the record, I request to appear in court without shackles. The shackling determination must be made in my and my counsel's presence, allowing my counsel to object and create an evidentiary record.

This Assertion serves as a standing objection of my right to appear in court unshackled at all future appearances, without the need for me to reassert these rights or re-object to the shackling. This Assertion also preserves my right to appeal the Court's shackling decisions.

/s/Kristy Lynn Felkins

Defendant's Signature

/s/Kate Berry

Attorney's Signature

9/16/2020

Date and time

Kate Berry

Attorney Name, AFPD
201 W. Liberty St, #102, Reno, NV

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the

District of Nevada

United States of America)

v.)

Kristy Lynn Felkins)

Defendant)

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COUNSEL/PARTIES OF RECORD	
SEP 17 2020	
CLERK US DISTRICT COURT	
Case No. 2:20-mj-140	BY: DEPUTY
Charging District's Case No. 2:20-mj-140	

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (*name of other court*) Eastern District of California

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- an identity hearing and production of the warrant.
- a preliminary hearing.
- a detention hearing.
- an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
 preliminary hearing and/or detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 09/16/2020/s/Kristy Lynn Felkins*Defendant's signature*

/s/Kate Berry
Signature of defendant's attorney

Kate Berry
Printed name of defendant's attorney

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail
Parties of Record

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SEP 17 2020	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	

UNITED STATES DISTRICT COURT

for the
District of Nevada

United States of America

v.

KRISTY LYNN FELKINS

Defendant

BY: _____ DEPUTY

Case No. 3:20-mj-00093-WGC

Charging District: Eastern District of California

Charging District's Case No. 2:20-mj-0140-CKD

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: Robert T. Matsui United States Courthouse
501 I Street, Suite 3-200
Sacramento, CA 95814

Courtroom No.: Zoom Video Conference- contact Valerie Callen 916-930-4199 for info
Date and Time: September 30, 2020 at 2:00 p.m.

Before Magistrate Judge Claire

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 9/17/2020

 Judge's signature

William G. Cobb, U.S. Magistrate Judge

Printed name and title